

EXHIBIT B

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re Ex Parte Application for an Order
Pursuant to 28 U.S.C. § 1782 Authorizing
Discovery for Use in Foreign Proceedings of

HP Inc. and HP Deutschland GmbH,

Applicants.

Case No. 5:24-mc-80120

[PROPOSED] PROTECTIVE ORDER

This matter comes before the Court in the *Ex Parte* Application of Applicants HP Inc. and HP Deutschland GmbH (collectively, “HP”) for an Order pursuant to 28 U.S.C. § 1782, authorizing discovery from Nokia Technologies Oy (“Nokia”) for use by HP in in foreign patent proceedings in the Federal Republic of Germany (the “German Proceedings”).

The Court, having granted the Application, finds that documents and information may be sought, produced or exhibited by and among the parties to the above captioned proceeding, for use in the German Proceedings, which materials relate to trade secrets or other confidential research, development or commercial information;

IT IS HEREBY ORDERED THAT:

1. Confidential business information is information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained.

2. Any information submitted, in pre-hearing discovery or in a pleading, motion, or response to a motion either voluntarily or pursuant to order, in the German Proceedings, which is

1 asserted by a supplier to contain or constitute confidential business information shall be so
2 designated by such supplier in writing, or orally at a deposition, conference or hearing, and shall be
3 segregated from other information being submitted. Documents shall be clearly and prominently
4 marked on their face with the legend: "CONFIDENTIAL BUSINESS INFORMATION, SUBJECT
5 TO PROTECTIVE ORDER," or a comparable notice. Such information, whether submitted in
6 writing or in oral testimony, shall be treated in accordance with the terms of this protective order.

7 3. In the absence of written permission from the supplier or an order by this Court or
8 the presiding court in one or both of the German Proceedings, any confidential documents or
9 business information submitted in accordance with the provisions of paragraph 2 above shall not be
10 disclosed to any person other than: (i) outside counsel for parties to the German Proceedings,
11 including necessary secretarial and support personnel assisting such counsel; (ii) qualified persons
12 taking testimony involving such documents or information and necessary stenographic and clerical
13 personnel thereof; (iii) technical experts and their staff who are employed for the purposes of the
14 German Proceedings (unless they are otherwise employed by, consultants to, or otherwise
15 affiliated with a non-governmental party, or are employees of any domestic or foreign
16 manufacturer, wholesaler, retailer, or distributor of the products, devices or component parts which
17 are the subject of this investigation); and (iv) the personnel of this Court or the presiding court in
18 one or both of the German Proceedings.

19 4. Confidential business information submitted in accordance with the provisions of
20 paragraph 2 above shall not be made available to any person designated in paragraph 3(iii) unless he
21 or she shall have first read this order and shall have agreed in writing: (i) to be bound by the terms
22 thereof; (ii) not to reveal such confidential business information to anyone other than another person
23 designated in paragraph 3; and (iii) to utilize such confidential business information solely for
24 purposes of the German Proceedings

25 5. If the this Court or the presiding court in one or both of the German Proceedings
26 order, or if the supplier and all parties to the German Proceedings agree, that access to, or
27 dissemination of information submitted as confidential business information shall be made to persons
28 not included in paragraph 3 above, such matter shall only be accessible to, or disseminated to, such

1 persons based upon the conditions pertaining to, and obligations arising from this order, and such
2 persons shall be considered subject to it, unless this Court or the presiding court in one or both of
3 the German Proceedings finds that the information is not confidential business information as
4 defined in paragraph 1 thereof.

5 6. Any confidential business information submitted to the presiding court in one or both
6 of the German Proceedings in connection with a motion or other proceeding within the purview of
7 the German Proceedings shall be submitted under seal pursuant to paragraph 2 above. Any portion
8 of a transcript in connection with the German Proceedings containing any confidential business
9 information submitted pursuant to paragraph 2 above shall be bound separately and filed under seal.
10 When any confidential business information submitted in accordance with paragraph 2 above is
11 included in an authorized transcript of a deposition or exhibits thereto, arrangements shall be made
12 with the court reporter taking the deposition to bind such confidential portions and separately label
13 them "CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE
14 ORDER."

15 Before a court reporter or translator receives any such information, he or she shall have first
16 read this order and shall have agreed in writing to be bound by the terms thereof.

17 7. The restrictions upon, and obligations accruing to, persons who become subject to
18 this order shall not apply to any information submitted in accordance with paragraph 2 above to
19 which the person asserting the confidential status thereof agrees in writing, or this Court or the
20 presiding court in one or both of the German Proceedings rules, after an opportunity for hearing,
21 was publicly known at the time it was supplied to the receiving party or has since become publicly
22 known through no fault of the receiving party.

23 8. If a party to this order who is to be a recipient of any business information designated
24 as confidential and submitted in accordance with paragraph 2 disagrees with respect to such a
25 designation, in full or in part, it shall notify the supplier in writing, and they will thereupon confer
26 as to the status of the subject information proffered within the context of this order. If prior to, or
27 at the time of such a conference, the supplier withdraws its designation of such information as being
28 subject to this order, but nonetheless submits such information for purposes of the German

1 Proceeding; such supplier shall express the withdrawal, in writing, and serve such withdrawal upon
2 all parties. If the recipient and supplier are unable to concur upon the status of the subject information
3 submitted as confidential business information within ten days from the date of notification of such
4 disagreement, any party to this order may raise the issue of the designation of such a status to this
5 Court or the presiding court in one or both of the German Proceedings who will rule upon the matter.
6 This Court or the presiding court in one or both of the German Proceedings may *sua sponte* question
7 the designation of the confidential status of any information and, after opportunity for hearing, may
8 remove the confidentiality designation.

9 9. No less than 10 days (or any other period of time designated by this Court or the
10 presiding court in one or both of the German Proceedings) prior to the initial disclosure to a proposed
11 expert of any confidential information submitted in accordance with paragraph 2, the party
12 proposing to use such expert shall submit in writing the name of such proposed expert and his or
13 her educational and detailed employment history to the supplier. If the supplier objects to the
14 disclosure of such confidential business information to such proposed expert as inconsistent with
15 the language or intent of this order or on other grounds, it shall notify the recipient in writing of its
16 objection and the grounds therefore prior to the initial disclosure. If the dispute is not resolved on an
17 informal basis within ten days of receipt of such notice of objections, the supplier shall submit
18 immediately each objection to this Court or the presiding court in the relevant one of the German
19 Proceedings for a ruling. The submission of such confidential business information to such proposed
20 expert shall be withheld pending the ruling of this Court or the presiding court in the relevant one
21 of the German Proceedings.

22 10. If confidential business information submitted in accordance with paragraph 2 is
23 disclosed to any person other than in the manner authorized by this protective order, the party
24 responsible for the disclosure must immediately bring all pertinent facts relating to such disclosure to
25 the attention of the supplier and, without prejudice to other rights and remedies of the supplier, make
26 every effort to prevent further disclosure by it or by the person who was the recipient of such
27 information.
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1 11. Nothing in this order shall abridge the right of any person to seek judicial review or
2 to pursue other appropriate judicial action with respect to any ruling made by this Court or the
3 presiding court in either or both of the German Proceedings concerning the issue of the status of
4 confidential business information.

5 12. Upon final termination of the German Proceedings, each recipient of confidential
6 business information that is subject to this order shall assemble and return to the supplier all items
7 containing such information submitted in accordance with paragraph 2 above, including all copies of
8 such matter which may have been made. Alternatively, the parties subject to this order may, with
9 the written consent of the supplier, destroy all items containing confidential business information
10 and certify to the supplier (or his counsel) that such destruction has taken place.

11 13. If any confidential business information which is supplied in accordance with
12 paragraph 2 above is supplied by a nonparty to the German Proceedings, such a nonparty shall be
13 considered a “supplier” as that term is used in the context of this order.

14 14. Each nonparty supplier shall be provided a copy of this order by the party seeking
15 information from said supplier.

16 15. HP shall serve a copy of this order upon Nokia.

17 **IT IS SO ORDERED.**

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19 Dated: _____

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21 United States District Judge
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